

## REMARKS

### I. Introduction

Claims **1-18** are pending in the application. Claims **1**, **14**, and **16-17** are independent.

In the Notice (which alleges that Applicants' previous Response was "Non-Compliant"), the Examiner indicates that claims **14-18** "have the wrong status identifier" and cites MPEP § 714 ILC.(A) in support thereof.

While Applicants respectfully disagree with the premise that claims should be marked as "withdrawn" prior to a restriction requirement being made final and based on an entirely *provisional* election of claims for prosecution, *solely* to advance prosecution by removing this minor technical issue that has brought prosecution to an unnecessary administrative halt, Applicants provide herein an updated claim listing that now indicates provisionally non-elected claims **14-18** are "withdrawn".

Accordingly, all claims are presented with proper claim status identifiers, even under the Examiner's interpretation of such requirement. Applicants therefore respectfully request that the Notice with respect to the previous Response be **withdrawn**.

## **II. Conclusion**

In view of the foregoing, Applicants respectfully request that the Notice of Non-Compliance be **withdrawn** upon reconsideration. All pending claims currently remain in the case and are believed patentable. Applicants respectfully request allowance of the pending claims. Applicants' silence with respect to any comments made in the Notice does not imply agreement with those comments.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-438-6867 or via e-mail at [cfincham@finchamdowns.com](mailto:cfincham@finchamdowns.com), at the Examiner's convenience.

## **III. Fees and Petition for Extension of Time to Respond**

While no fees are believed to be due at this time, please charge any fees that may be required for this Response to Applicants' Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Response timely, and please charge any fee for such an extension to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

August 12, 2010

Date

/Carson C.K. Fincham, Reg. #54096/

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